

Date Mailed  
June 10, 1998

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Complaint by Wisconsin Public Service Corporation Against  
Wisconsin Central Limited/Fox Valley and Western Railroad on 6690-EI-102  
a Dispute on the Easement and Conditions for Constructing a  
Transmission Line Within Railroad Rights-of-Way

**AMENDED NOTICE OF HEARING**

<b>Hearing Date:</b>	<b><u>June 23, 1998, 10:00 a.m.</u></b>
<b>Hearing Location:</b>	<b>Public Service Commission, 610 North Whitney Way, Madison, Wisconsin</b>

On April 24, 1998, Wisconsin Public Service Corporation (WPS) filed a complaint against Wisconsin Central Limited/Fox Valley and Western Railroad (WCL), pertaining to a dispute on the easement and compensation for and conditions under which WPS could construct an electric transmission line within the railroad's rights-of-way.

Pursuant to the Commission's October 10, 1997, order in dockets 6690-CE-175 and 6690-CE-176, WPS was ordered to construct a 138 kV electric transmission line from the Lost Dauphin Substation to the De Pere Power Plant under and along a right-of-way (ROW) owned by WCL in Brown County, Wisconsin. The transmission line includes 2.3 miles of underground construction and 2.6 miles of overhead construction. Construction of the transmission line is to be completed by February 1999, in order to ensure that the facilities necessary to connect the De Pere Power Plant to the system are in place for the summer of 1999.

In its filing with the Commission, WPS alleges that it has attempted to negotiate in good faith with WCL for an easement to construct this transmission line, but WCL has refused to grant WPS an easement. Instead, WPS contends that WCL has insisted that WPS enter into a license agreement with inequitable and unreasonable terms and conditions.

WPS has requested that the Commission grant it immediate access to WCL's ROW to begin construction of the transmission line. WPS has further requested that the Commission grant the company an easement for the construction and maintenance of this transmission line under and along WCL's ROW and prescribe an equitable and fair compensation for the easement.

NOTICE IS HEREBY GIVEN that the Commission will formally investigate the complaint of WPS and conduct a hearing on the matter.

NOTICE IS FURTHER GIVEN that the Commission will hold a hearing beginning on **June 23, 1998**, at 10:00 a.m. in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin. This building is accessible to people in wheelchairs through the Whitney Way main floor entrance (Lobby). Parking for people with disabilities is available on the south side of the building. Any person with a disability who needs additional accommodations should contact Richard Teslaw at (608) 267-9766. Further hearing will continue at a time and place designated by the presiding hearing examiner.

NOTICE IS FURTHER GIVEN that this matter is considered to be a Class 1 proceeding as defined in s. 227.01(3)(a), Stats. The Commission has jurisdiction to issue this notice pursuant to s. 196.04(4), Stats.

NOTICE IS FURTHER GIVEN that Commission staff shall file a synopsis or summary of the testimony or other evidence presented at the hearing in this case. The parties, pursuant to s. 196.24(3), Stats., as amended by 1997 Wisconsin Act 204, Section 24, may demonstrate that a synopsis or summary is not sufficiently complete or accurate to reflect fairly the relevant and material testimony or other evidence presented at the hearing.

NOTICE IS FURTHER GIVEN that the Commission may consider it necessary in order to carry out its duties herein to investigate the books, accounts, practices and activities of WPS. The expenses incurred or to be incurred by the Commission which are reasonably attributable to the investigation will be assessed against and collected from WPS, in accordance with the provisions of s. 196.85, Stats., and ch. PSC 5, Wis. Adm. Code.

If there are any questions regarding full-party status requests or the hearing scheduled in this notice, please contact Hearing Examiner Donna Paske, at (608) 266-7173. Other questions about this matter may be directed to Terri Kosobucki, Case Coordinator, at (608) 267-3595.

Dated at Madison, Wisconsin, \_\_\_\_\_

For the Commission.

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Susan E. Stratton  
Administrator  
Electric Division